

can have 50 different States with 50 different statutes of repose and 50 different standards for a person who is injured to have to worry about. That is not uniformity at all.

The statute of repose, of course, says that after a product has been in place for a period of time you can no longer bring a cause of action against that product because it is defective. My amendment says let us make it uniform, 25 years across the country, nationwide; it is the same in every State. That brings about uniformity both for the person who manufactured the product and uniformity for the person who may be injured by a defective product. I think that makes sense and is the right way to go.

The third area I think they are defective in, in their suggestion, is on the question of joint and several liability. What they are trying to do is address the problem of a manufacturer or defendant that is just a little bit responsible, just a little bit negligent. Their argument is if someone is only responsible for 3 percent of the injury he or she should not be liable for 100 percent of the damages for noneconomic damages, that is the pain and suffering type of injuries that a person would receive from a defective product. But the way they have tried to handle this problem is say you are not going to have any joint liability for noneconomic damages and that will take care of the problem. Yes, that takes care of the problem. It wipes out the possibility of an injured person, perhaps, from getting any recovery at all.

What I am going to suggest in my amendment is simply this—and this is the language, again, that has been suggested by Senator SPECTER, who has come up with I think a very good idea to solve this problem. I picked some from Democratic colleagues, Senator DODD, some from our Republican colleagues, Senator SPECTER, and tried to put them together because that is what we have been talking about for the last several days. Senator SPECTER's suggestion, which I have included in my suggestion, is simply to say there is a de minimis standard. If a defendant is responsible for less than 15 percent of the injuries that were caused, they cannot be held jointly liable, they can only be held liable for that percentage of the damages that it has been determined they are at fault for, that they caused. If it is 3 percent they can only be responsible for 3 percent. But after that threshold, if they are 20 to 30 to 40 percent responsible, then they can be held jointly liable. I think that takes care of the so-called de minimis problem, whereby we should not hold someone responsible for the whole amount of damages if they only caused a very small, de minimis, portion of those damages. But after a certain point, joint liability should prevail.

We picked up Senator SPECTER's suggestion, which I think is a very good one, that says if a person is 15 percent or more responsible for these losses, then they can be held jointly liable for

noneconomic losses that they caused. That defendant, of course, has a cause of action for anybody else who is liable for the other portion of the damages. That is what normally occurs. The defendant then brings in the other party and they can be held responsible—to the defendant who has paid the entire amount—for their portion. So the system works very well. But my suggestion, I think, takes care of the de minimis concern that has been expressed by many of our colleagues.

I will offer this amendment and will be able to offer it if the cloture motion is voted down. I think it would be a big mistake, when we are so close to coming up with a compromise agreement, to at this time invoke cloture and prevent the opportunity to offer this amendment with a chance of it becoming law. This is really an attempt to try to reach a legitimate compromise. We can debate this for a long time. We could continue to prevent cloture from being invoked.

I think it is time the Senate bring this measure to a close. What I have tried to do is pick some of the best ideas from my colleagues. I continue to emphasize that many of the things I have in my legislation are the product of the suggestions of some of my colleagues—Senator SPECTER in particular with this de minimis standard, my colleague Senator DODD with the concept of punitive damages being set by the judge after a trial has occurred that determines that punitive damages would be justified. I think that makes good sense, to try to incorporate Republican ideas and Democratic ideas, to put together a package which is truly a compromise.

One of the things the advocates of this so-called tort reform legislation have advocated is a national standard when it talks to punitive damages. I have incorporated their ideas on the national standard being in fact that the plaintiff must show a conscious and flagrant indifference to safety concerns, and the plaintiff must do it and show it by clear and convincing evidence. That will be a national standard now for punitive damages in product liability cases. I have incorporated that suggestion. That is the same as in the Gorton-Rockefeller legislation.

In fact, much of what this substitute that I will offer really incorporates is the better features from the Gorton-Rockefeller language. But it also tries to address the three major areas in which I think they were defective, and those are how punitive damages are set, how they deal with joint and several liability, and how they deal with the statute of repose.

So I hope when we come to the floor to vote on cloture this morning, which has already been set, our colleagues will know there is an effort among many of us who have been involved to some extent in this legislation to try to put together a package of amendments that is truly a genuine compromise, that tries to treat people who are injured by defective products on

the same level playing field that we are trying to treat defendants who in fact have manufactured defective products.

It is improper for this body to try to give advantage to one group over the other group. If we conclude there should be some national standards, then the national standards should apply both to those who are injured as well as to those who make the product that has caused injury, in the same way. It would be unfair and improper to say one side is going to get more fair treatment than the other. I am concerned the provisions that are pending in the Gorton-Rockefeller substitute in fact are not fair; in fact they do allow for more loopholes to be created with the 25-employee limitation, they do create some other problems with regard to the establishment of punitive damages, they encourage more trials, and they encourage, I think, abuse of how punitive damages would be set.

We have tried to offer something that addresses all these problems in a fashion that truly represents a fair and just compromise. But we do need to ask our colleagues—who may be trying to figure out the situation as to where we are—ask them to vote against the cloture motion and allow us to come in with a compromise that I think for once and for all will settle this very, very difficult, very emotional set of issues that we have struggled with for so many days.

The alternative I will offer, and hope to be joined by a number of our colleagues, will be something that will give everybody an opportunity to say we made some reforms but we did it ultimately and finally in a fashion that is fair to everyone involved. With that, Mr. President, is there any time left on the leader time?

The PRESIDING OFFICER. Thirty seconds.

Mr. BREAUX. I will just reserve that 30 seconds in case the leader needs it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

#### NRA'S FUNDRAISING LETTER

Mr. LEVIN. Madam President, recently, the National Rifle Association issued a widely circulated fundraising letter over the signature of Executive Vice President Wayne LaPierre and that letter is full of questionable overheated language. I wish to focus on one paragraph in particular. The letter states, and I am quoting exactly:

In Clinton's administration, if you have a badge, you have the Government's go-ahead

to harass, intimidate, and even murder law-abiding citizens.

Now, as if the force of the words "even murder" as applied here were not repugnant enough, the letter underlines the words "even murder."

This assertion that the U.S. law enforcement personnel have been authorized by President Clinton "to harass, intimidate, even murder law-abiding citizens" is without foundation, and it is an offensive outrage that should be condemned by members of the NRA and all other decent Americans.

On April 28, I wrote a letter to the president of the NRA, Mr. Tom Washington, asking that the statement be retracted. The statement is inflammatory; it is inappropriate. I do not think there is a single Member of this body who would stand in the Chamber of the Senate and speak such words, asserting that our President has authorized law enforcement personnel to murder law-abiding citizens. I do not believe the overwhelming majority of NRA members would countenance such language.

My letter to Mr. Washington asked, "Can you honestly justify your organization's characterization of law enforcement officials with such language, describing them as on a mission sanctioned by the Government to murder law-abiding citizens?"

Madam President, on May 3, I received a reply from Mr. Washington, and his letter says:

While I concede that some of the language in the NRA fundraising letter might have been rhetorically impassioned—as is most political direct mail—that in no way disparages the NRA, nor diminishes the seriousness of the alleged federal law enforcement abuses to which the letter refers.

The letter goes on to relate the history of the NRA's interest in the investigation of Federal law enforcement abuse. The letter concludes with the statement that "blaming the rhetoric, whether in a fundraising letter or anywhere else in political discourse, serves only to silence dissent and aggravate that distrust."

Well, Madam President, I have no interest in silencing dissent. I never have. There is nothing more American than the conscientious expression of dissent. There is no more sacred right guaranteed by our Constitution to all Americans than freedom of speech, and I will defend the NRA's right to say what it said. The point is that the reply that I have received from Mr. Washington did not answer the question that I asked. I asked Mr. Washington, "Can you honestly justify your organization's characterization of law enforcement officials with such language, describing them as on a mission sanctioned by the Government to murder law-abiding citizens?" The question was not answered.

I ask unanimous consent, Madam President, that the NRA letter written by Executive Vice President Wayne LaPierre and my letter of April 28 to Mr. Washington and Mr. Washington's

letter of May 3 to me be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 28, 1995.

Mr. TOM WASHINGTON,  
President, National Rifle Association,  
Lansing, MI.

DEAR TOM: Over the years we have agreed on some things, like protecting our Great Lakes, and disagreed on others, like the ban on assault weapons. But no matter what positions we have on assault weapons, I hope you will agree that the language of the NRA's recent fundraising letter over the signature of Executive Vice President Wayne LaPierre is highly inflammatory and totally inappropriate.

In one passage, Mr. LaPierre writes, "In Clinton's administration, if you have a badge, you have the government's go-ahead to harass, intimidate, even murder law-abiding citizens." Can you honestly justify your organization's characterization of law enforcement officials with such language, describing them as on mission sanctioned by the government to "murder law-abiding citizens"?

This is but one example of the inflammatory, hateful rhetoric in this letter. I will defend Mr. LaPierre's right to free speech, but the public also has a right to expect the NRA to retract hateful and inflammatory statements issued in its name. I urge the NRA to retract the LaPierre letter.

Thank you for giving this request your consideration.

Sincerely,

CARL LEVIN,  
U.S. Senator.

NATIONAL RIFLE ASSOCIATION.

DEAR FELLOW AMERICAN: I've worn out a lot of shoe leather walking the halls of Congress. I've met key leaders, I've talked with old allies, I've met with the new Congressmen and many staff members.

What I'm hearing and seeing concerns me. Many of our new Congressmen are ignoring America's 80 million gun owners. Some have forgotten what we did to elect them. Others say our demands to restore our Constitutional freedoms are politically out of line.

Don't get me wrong, not all of them are like this. Senator Phil Gramm, House Speaker Newt Gingrich, and Congressmen Bill McCollum, Bill Brewster and Harold Volkmer are all coming to our aid. But too many others are not.

And without a major show of force by America's 80 million gun owners, America will resume its long march down the road to gun bans, destruction of the Constitution and loss of every sacred freedom.

I want you to know I'm not looking for a fight.

But when you consider the facts of our current situation, you too, will see we have no other choice.

FACT #1: The Congress' leading anti-gunners, Senators Dianne Feinstein, Ted Kennedy and Congressmen Charles Schumer and Major Owens all survived their last elections.

They've pledged to fight to the bitter end for Brady II and its ammo taxes, licensing and registration schemes, gun rationing, bureaucrats with the power to determine if you "need" a gun and yes, the repeal of the Second Amendment.

It doesn't matter to them that the Brady Law is a failure.

It doesn't matter to them that the Brady Law has become one more tool that government agents are using to deny the Constitutional rights of law abiding citizens.

It doesn't matter to them that the semi-auto ban gives jack-booted government thugs more power to take away our Constitutional rights, break in our doors, seize our guns, destroy our property, and even injure or kill us.

Schumer, Feinstein, Kennedy, Owens and the rest of the anti-gunners want more and more gun control.

It can be something small and subtle like a regulation expanding the disqualification criteria for the Brady Law. They're fighting for anything that makes it harder for you to own a gun.

The gun banners simply don't like you. They don't trust you. They don't want you to own a gun. And they'll stop at nothing until they've forced you to turn over your guns to the government.

Fact No. 2: If the anti-gunners fail to achieve their goals in Congress, they have a fall-back position in Bill Clinton, the most anti-gun President in American history.

In two short years, Bill Clinton launched two successful attacks on the Constitution. He signed two gun control bills into law. He has sworn to veto any repeal of the semi-auto ban and any restoration of our Constitutional rights.

His Interior and Agriculture Departments have set their sights on closing hunting lands.

And his Environmental Protection Agency is attempting to take jurisdiction over existing uses of lead. This, of course, includes gun ranges and spent shot.

What's more, gun owners aren't the only ones Clinton's EPA has set its sights on. They're after fishermen, too. They want to BAN the use of small lead fishing sinkers and, of gravest concern, they want to stop the home casting of these sinkers.

If fishing sinkers are on the Clinton bureaucrat's list, you know what's next: lead shot, lead bullets, bullet casting and reloading.

Clinton's State Department is also adding to the attacks on gun owners and our Constitutional freedoms. In December, he signed the Summit of the America's agreements which pledges that the U.S. Government will push for additional gun control.

Over in the Justice Department, Clinton's Attorney General Janet Reno has signaled her intent to "squash" the states' rights movement and deny states their Constitutional power.

And worst of all,

Fact No. 3: President Clinton's army of anti-gun government agents continues to intimidate and harass law-abiding citizens.

In Clinton's administration, if you have a badge, you have the government's go-ahead to harass, intimidate, even murder law-abiding citizens.

Randy Weaver at Ruby Ridge . . . Waco and the Branch Davidians . . . Not too long ago, it was unthinkable for Federal agents wearing Nazi bucket helmets and black storm trooper uniforms to attack law-abiding citizens.

Not today, not with Clinton.

Our calls to investigate these outrageous assaults on our Constitutional freedoms are routinely silenced by the anti-gun media. But that's no surprise.

Fact No. 4: They've launched a new wave of brainwashing propaganda. . .

CBS, ABC, NBC, USA Today, Time, Newsweek and The New York Times have launched another round of phony polls and slanted stories to help the anti-gunners achieve their goals.

Their latest phony poll shows 70% of America support the "semi-auto" assault weapon ban.

That's simply not true. When it's explained that "semi-autos" are used in less than a fraction of one percent of crimes; that the ban only affects the law-abiding; and, that the ban is only one more way to deny Constitutional rights to the law-abiding, support for the ban drops to 30%.

But the media still uses this 70% statistic to trumpet the call for gun control.

What scares me the most about this 70% number is that the media has brainwashed 70% of Americans into believing that the government—and not each individual—is responsible for their personal protection.

Even worse, this 70% number means that there are enough people who can be brainwashed by the media to vote for a repeal of the Second Amendment if it were put to a vote.

The media, Clinton, the anti-gunners in Congress . . . This combination is a powder key that could blow at any moment and it's set squarely underneath the Constitution.

And what this means is:

FACT #5: Congress must be forced to restore the Constitution, repeal the gun bans, investigate abuse by government agents and focus the public debate on criminal control, not gun control . . .

. . . Or what we're seeing now will only be a momentary patch of sunshine on the road to doom for the Second Amendment and our Constitution.

There is hope, though. Despite the current situation, I'm encouraged by you and your fellow NRA members.

Everywhere I go, to every gun show, every NRA-ILA grassroots operation, every Friends of NRA Dinner, even in cabs and airports around the country, I run into NRA members who understand the stakes and stand ready to fight.

The question I hear from almost every one of these NRA members is the same: "What can I do next?"

If you're one of those members, I want to thank you for your courage, your conviction and your spirit. You keep me going. You keep me on the road. You give me strength to lead the battle.

And if you want to join me in taking the next step, I need you to do these two things today.

First, I need you to sign the enclosed Petitions to the United States Congress.

These petitions are addressed to the leaders of the U.S. Congress, Senator Robert Dole and Speaker Newt Gingrich, and your U.S. Senators Daniel Patrick Moynihan, Alfonse M. D'Amato and Congresswoman Sue Kelly.

Please be sure to sign all five petitions, then fold them and place them in the enclosed, postage-paid envelope addressed to me at NRA Headquarters.

These petitions spell out, in black and white, our agenda of repeal, reform, investigate and limit government power.

In the first amendment of the Bill of Rights, we are guaranteed the right to "petition our Government for a redress of grievances."

And that's exactly what we're going to do: redress our grievances in the biggest and most powerful display of political clout and commitment to the Constitution.

I want to personally deliver your five petitions, and the petitions of all 3.5 million of your fellow NRA members—17.5 million petitions in all—to Congress.

And I want to show the leadership in Congress, and your Senators and Congressmen from New York, that the number one priority in their Contract with America must be defending and restoring our Constitutional freedoms.

17.5 million Petitions to Congress is the largest "redress of grievances" since the

Constitution and the Bill of Rights were written.

So I KNOW Congress will get the message. And I know they'll act on our agenda of Repeal, Reform and Investigate if only you and I speak out.

Your Petitions to Congress also sends another message—a message not spelled out on the Petitions themselves.

Each Congressman, on the average, will receive 8,000 Petitions from NRA members demanding action. 8,000 messages from angry voters sounds an alarm in every Congressman's head.

You see, most Congressional elections were won or lost by 5,000 votes or less. So, they'll realize that failing to defend the Second Amendment and failing to retake the Constitutional freedoms lost to the anti-gunners, could result in big losses at the next election!

That's why it's critical you take a few minutes to sign your Petitions to Congress and return them to me as soon as possible.

These petitions are our D-Day.

Armed with these petitions and our First Amendment rights, we are going to storm Congress, knock out anti-gunner strongholds and recapture every bit of ground we lost since Bill Clinton took office.

And if we're successful, these petitions will be the turning point in the history of the Constitution . . . A day when our sacred right to keep and bear arms will be secure for the next generation of law-abiding Americans.

Second, when you return your signed Petitions to Congress, I need you to make a special contribution to the NRA of \$15, \$20, \$25, \$35, \$50 or the most generous amount you can afford.

Most Americans don't realize that our freedoms are slowly slipping away.

They don't understand that politicians and bureaucrats are chipping away at the American way of life.

They're destroying business, destroying our economy, destroying property rights, destroying our moral foundation, destroying our schools, destroying our culture . . . Destroying our Constitution.

And the attack, either through legislation or regulation, on the Second Amendment is only the first in a long campaign to destroy the freedoms at the core of American life.

You can see it in the gun bans, certainly. But you can also see it in closed ranges, closed hunting lands, confiscated collectors' firearms, banned magazines and ammunition taxes.

You can see it when jack-booted government thugs, wearing black, armed to the teeth, break down a door, open fire with an automatic weapon, and kill or maim law-abiding citizens.

America's gun owners will only be the first to lose their freedoms.

If we lose the right to keep and bear arms, then the right to free speech, free practice of religion, and every other freedom in the Bill of Rights are sure to follow.

I am one American who is not going to sit on the sidelines and watch this happen.

And if you want to help me stop this destruction of the Constitution, then I hope you can make that special contribution of \$15, \$20, \$25, \$35 or \$50 to the NRA today.

With your special contribution, I'll have the financial ammo I need to keep Congress focused on the mission we've assigned them.

First, with your help, I will expand out petition campaign to involve as many of America's 80 million gun owners as possible.

If we can double the number of Petitions flooding Congress, we'll double the speed Congress deals with our demands to repeal, reform and investigate. And with double the show of clout, we'll wipe out anti-gunner opposition.

Second, with your special contribution, I can increase the NRA's public exposure on talk shows, at rallies and shows, in radio and T.V. advertising and through broadcasts like the NRA's Town Meeting that first sounded our alarm in 16 million households, last summer.

Part of our problem is that far too few Americans understand what's at stake in these battles.

My ultimate goal is to educate the American people that this issue is not just about guns, not just about hunting, not just about personal protection; this issue is about freedom—your freedom.

I want to use the power of T.V. and radio to show the American people that, if the NRA fails to restore our Second Amendment freedoms, the attacks will begin on freedom of religion, freedom of speech, freedom from unreasonable search and seizure. . .

And that unless we take action today, the long slide down the slippery slope will only continue until there's no freedom left in America at all.

I know you see it. The elbow room you have to hunt, shoot and live life the way you see fit is slowly disappearing.

And the truth is, NRA members have been hardened by legislative battles. And only NRA members have the courage, the conviction to draw the line in the sand.

That's why I'm hoping you can take a few moments to sign and date the enclosed petitions and return them to me with your special contribution of \$15, \$20, \$25, \$35, \$50 or more in the enclosed postage-paid envelope today. Or, you can charge by phone by calling 800-547-4NRA today.

You know, besides going shooting, I love to go to football games. And every time I go, I always hear my fellow fans talk about the impact of "the 12th man."

The 11 players calling the plays and doing the hitting get a lot of their motivation from the 12th man in the stands. I'm talking about the crowd who cheers wildly when our team is on offense, and drowns out the signals of the opposing team when they're on the defense.

I need you to be that 12th man.

I need you to sign your petitions to Congress and return them to me today. That simple act will give our allies the political courage to do what's right, to push ahead with our agenda of Repeal, Reform, and Investigate.

Likewise, your signed petitions to Congress will confuse and demoralize the anti-gun team and their agenda of bans, taxes, intimidation, harassment and destruction of the Constitution.

I know I've said what I'm about to say before. But this is a message that resonates with NRA members across the land. It's something I hope you, too, will say whenever you have the occasion to defend our Constitutional freedoms.

This, the battle we're fighting today, is a battle to retake the most precious, most sacred ground on earth. This is a battle for freedom.

Please tell me you're ready to take the next step by returning your signed petitions to Congress and special gift to me in the enclosed postage-paid envelope today.

Thank you, I look forward to hearing from you soon.

Yours in Freedom,

WAYNE LAPIERRE,  
Executive Vice President.

P.S. As a special thank you for making a special contribution of \$25 or more, I'd like to send you a copy of my national best-selling book, *Guns, Crime, and Freedom*. *Guns, Crime, and Freedom* is 263 pages of truth

about guns, gun control, gun owners, the anti-gun media and what's happening to our freedoms.

I hope you'll read it and use it in your own personal campaign in New York to defend the Constitution. Use Guns, Crime, and Freedom to help you keep the pressure on Congress, write letters to the editor and teach other Americans about the battle we're fighting today. Thanks again for your support and friendship.

NATIONAL RIFLE  
ASSOCIATION OF AMERICA,  
Fairfax, VA, May 3, 1995.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: While I concede that some of the language in the NRA fundraising letter you refer to might have been rhetorically impassioned—as is most political direct mail—that in no way disparages the NRA, nor diminishes the seriousness of the alleged federal law enforcement abuses to which the letter refers. And it is certainly in no way related to the terrorist bombing in Oklahoma City.

You asked if we can “honestly justify” rhetoric decrying such abuses of federal power. That's what we want to find out. In January 1994, the American Civil Liberties Union, the National Rifle Association and others wrote to President Clinton, petitioning him to appoint a commission to investigate 25 documented cases of alleged federal law enforcement abuse. Our request was ignored. So again in January 1995, the ACLU, NRA and others petitioned the President. All we ask is a full, fair and open examination of the facts—a request that, so far, has been denied.

This isn't just some petty gripe against the enforcement of anti-gun laws by the Bureau of Alcohol, Tobacco and Firearms. On the contrary, the inquiry we requested was to focus on all 53 federal law enforcement agencies, and on charges ranging from the denial of basic civil rights, to the confiscation and destruction of property, to the improper use of deadly force against unarmed civilians.

I agree, senator, that the partisan posturing and political exploitation of the Oklahoma City tragedy is reprehensible and should stop. But before you condemn NRA's criticism of federal law enforcement abuses as “totally inappropriate,” I urge you to help us find out if it really is.

Let's get all the facts out on the table regarding these cases. If the accusations against federal law enforcement are baseless, let's expose them as such and vindicate the officers accused. If, on the other hand, particular officers are operating outside the rule of law, let's find them, remove them and prosecute them for the good of the whole. Whatever the case, let's put the grievances to rest once and for all.

Doing so, I believe, could help reverse the public's documented and growing distrust of federal power. Blaming the rhetoric—whether in a fundraising letter or anywhere else in political discourse—serves only to silence dissent and aggravate that distrust.

Sincerely yours,

THOMAS L. WASHINGTON,  
President,  
National Rifle Association of America.

Mr. LEVIN. Madam President, I will defend LaPierre's, Mr. Washington's, and the NRA's right to free speech, but I continue to hope that the membership of the NRA and the American public will demand that this patently false statement that the President has authorized the murder of law-abiding citizens be retracted. There is a crucial

difference between what someone has a right to say and what it is right to say. This statement in the NRA letter is wrong. It deserves to be condemned, and it should be withdrawn.

Madam President, I believe I have an allotted amount of morning business time, and if so I would yield 3 minutes to my friend from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 minutes.

Mr. CHAFEE. I thank the Chair. I thank the distinguished senior Senator from Michigan for giving me a few minutes.

Madam President, I believe the tactics used by Mr. LaPierre in his recent fundraising letter for the National Rifle Association are just plain wrong. This letter does not contribute to any informed debate. Instead, it is inaccurate and irrational. It borders on the hysterical. And this kind of hysteria only encourages paranoia, which we certainly do not need at this time in our Nation.

Madam President, I know that the Senator from Michigan has touched on some of the quotes from the letter, but I would just like to mention a few that stand out. Here is one paragraph from the letter:

It doesn't matter to them that the semi-auto ban gives jack-booted government thugs more power to take away our Constitutional rights, break in our doors, seize our guns, destroy our property, and even injure or kill us.

This is another paragraph:

In Clinton's administration, if you have a badge, you have the government's go-ahead to harass, intimidate, even murder law-abiding citizens. Not too long ago, it was unthinkable for Federal agents wearing nazi bucket helmets and black storm trooper uniforms to attack law-abiding citizens.

And another:

They've launched a new wave of brainwashing propaganda aimed at further destroying our Constitutional freedoms.

And on it goes, Madam President.

Now, Madam President, the apocalypse described in this fundraising letter is not familiar to me. The Government described in these pages is not familiar to me. This is a description of reality. It is a description of terror designed for one purpose: to provoke a visceral reaction against the U.S. Government—and at the end of the day, to raise money.

There are many powerful and ugly words used in this letter. They are insulting to American law enforcement and to American citizens. Why does Mr. LaPierre use them? I suppose in order to tap into the rage that some feel against the U.S. Government, to feed that rage, and to use that rage to gain donations.

In various interviews, Mr. LaPierre has acknowledged the NRA letter went too far. I believe it behooves him and the leadership of the NRA to apologize to the men and women in Federal law enforcement and to the American people for this letter's rhetoric, and to re-

frain from this kind of inflammatory prose in the future.

I thank the distinguished Senator from Michigan for giving me a few minutes.

Mr. LEVIN. I thank the Senator from Rhode Island for his comments on this letter.

Madam President, on another matter, we have a bill pending before us which I would like to briefly address as part of my time.

#### THE PRODUCT LIABILITY FAIRNESS ACT

Mr. LEVIN. Madam President, the bill that we will be voting on later this morning is called the Product Liability Fairness Act of 1995. One of the arguments for it is that we need uniformity in a tort system. As a matter of fact, Madam President, the bill is carefully structured to authorize States to diverge from these standards in order to provide more favorable treatment to defendants than the bill provides, but the bill prohibits States from providing more favorable treatment to plaintiffs.

In other words, this bill does not provide us with uniformity. When we look down the provisions in the bill, we will see in a moment that the bill does not assure that there will be a uniform application of these provisions to all plaintiffs and all defendants. The bill prohibits a State law attempting to provide more favorable treatment to those who have been injured, but it allows State laws that are more favorable to those who allegedly cause the injury.

Now there is a reasonable argument for uniformity in product liability law, since many products are sold across State lines. But, this bill does not provide that uniformity. States can be more restrictive than the so-called national standards in the bill. A patchwork of State laws is still permitted, provided that the divergences are in the direction of greater restriction on the injured party.

For instance, the bill contains a so-called statute of repose barring any product liability action against a manufacturer of a product that is more than 20 years old. This provision prohibits States from providing a longer period for those who are injured. But the bill expressly authorizes States to adopt a shorter and more restrictive period in order to benefit defendants.

Similarly, the bill contains standards for the imposition of punitive damages, but the provision by its own terms only applies to the extent that punitive damages are permitted by State law. The committee report states that:

It is not the committee's intention that this act preempt State legislation or any other rule of State law that provides for defenses or places limitations on the amount of damages that may be recovered.

In other words, if a State has more lenient standards for the award of punitive damages, the bill overrides those